IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13329 of 2004

Between:

G.V. Raju S/o Veer Raju
O/o Depot Manager, APSRTC Tadepally Gudem Depot,
West Godavari District

..... PETITIONER

AND

The Depot Manager, APSRTC.,

Tadepally Gudem Depot, West Godavari District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the Proc. No. P2/369(01)/2004-TPG dt 20-03-2004 issued by the Respondent in ordering to recover an amount of Rs. 16,203.30 ps from my salary in 60 equivated monthly installments @ 270/- per month commencing from March, 2004 Salary on the ground that excess drawal of increment as arbitrary, illegal, unjust, contrary to law, in violation of principles of natural justice, without jurisdiction contrary to Regulations of the Corporation and also in violation of Articles 14 and 21 of the Constitution of India and set-aside the same as such and consequently direct the Respondents to repay the amounts recovered from the salary of the petitioner from the month of March 2004.

Counsel for the Petitioner: MR.P.SRIDHAR RAO

Counsel for the Respondent: MR.VENKATESWARLU POSANI

SC for A.P.S.R.T.C.

The Court at the admission stage made the following:

ORAL ORDER:

The petitioner is working as a conductor in the respondent-Corporation. A notice was issued to him dated 20-3-2004, ordering recovery of an amount of Rs.16,203=30 Ps., from his salary being the amount drawn towards excess drawal of the increment amount.

The grievance of the petitioner is that the respondent-corporation did not give him any opportunity before passing the impugned order dated 20-03-2004 and therefore, the said order is not sustainable under law. Therefore, he filed this writ petition to issue a writ of Mandamus quashing the impugned order of the respondent-corporation dated 20-3-2004 as illegal, arbitrary.

In the light of the contentions raised by the petitioner, the impugned order of the respondent-corporation dated 20-3-2004 passed in pursuance of an added objection is set aside. The respondent-corporation is at liberty to pass appropriate orders afresh after giving an opportunity to the petitioner.

The writ petition is accordingly allowed. No costs.

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2-08-2004

es/mjl

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Depot Manager, APSRTC., Tadepally Gudem Depot, West Godavari District.

2. 2 CD copies.